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10/568,792

02/17/2006

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EXAMINER

CERNOCH, STEVEN MICHAEL

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/568,792
Filing Date: February 17, 2006
Appellant(s): PELTOLA ET AL.

Patrick Muffo (Reg. No. 60,342)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/15/2011 appealing from the Office action mailed 3/15/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-17 are pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

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subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,301,756	Relyea et al.	4-1994
4,043,397	Glowienke	8-1977
2,246,797	Geddes	6-1941
4,435,981	Nicholson	3-1984
	Merriam-Webster	
	Dictionary Definition (2011)	

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Relyea et al. (US Pat No 5,301,756) in view of Glowienke (US Pat No 4,043,397).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Relyea et al. (US Pat No 5,301,756) in view of Glowienke (US Pat No 4,043,397) as applied to claims 1-10 and 14-17 above, and further in view of Geddes (US Pat No 2,246,797).

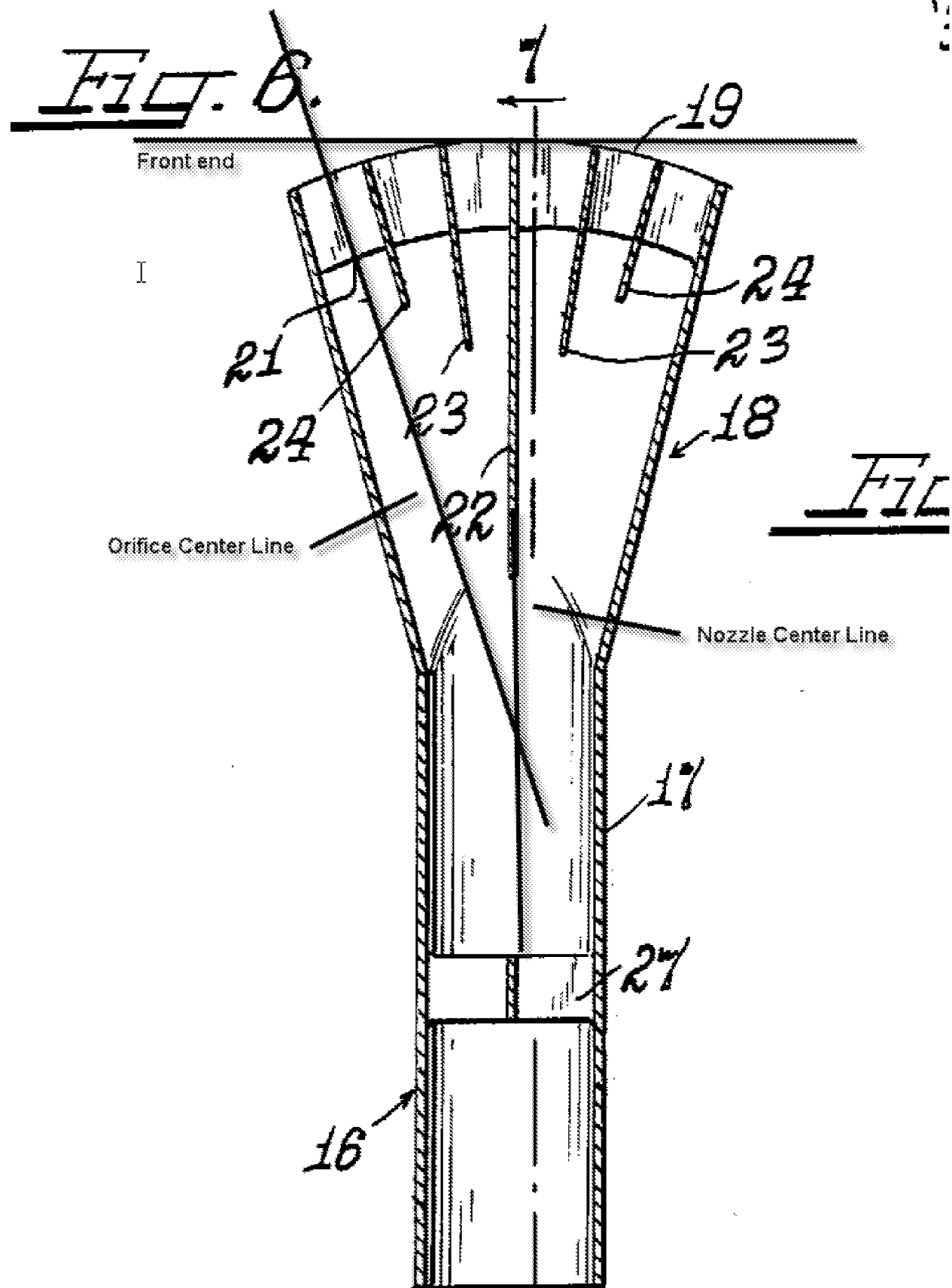
Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Relyea et al. (US Pat No 5,301,756) in view of Glowienke (US Pat No 4,043,397) as applied to claims 1-10 and 14-17 above, and further in view of Geddes (US Pat No 2,246,797) and Nicholson (US Pat No 4,435,891).

(10) Response to Argument

Regarding appellant's first argument that Relyea as modified by Glowienke does not in fact teach the claimed limitation of "directing a plurality of single jets expelled from the orifices so that they intersect one another to form a single uniform jet having a flat curtain-like shape," specifically that Glowienke does not teach intersecting jets; the examiner points to figure 6 of Glowienke as a more detailed view of the nozzle because as can be plainly seen, from the way the 6 outlets are formed in the nozzle, the water jets ejecting will inherently intersect each other as once the separation walls 21-24 end, nothing is stopping the water from intersecting especially at the pressure sprayed. To put a finer point on this, the separation walls 21-24 will act much like appellant's own exit orifices as shown in figure 2 of appellant's figures, specifically the elements represented as 17. The reason behind the spray created is that at the end of the pathway, the orifice deflects the spray in the direction desired, this is in fact what will happen in the Glowienke reference as well due to the fact, as stated previously, of the pressure being used to spray the water. Once the water reaches the ends of the separation walls, the ends will deflect the water in all different directions thus forcing an intersection of at least some of the streams.

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With regard to the next argument by appellant, specifically that the Glowienke reference does not teach the stated limitation of claim 7, the examiner would like to direct attention to the representation of figure 6 from Glowienke below. Firstly, no structure forward of the nozzle is claimed by appellant. The limitation reads "such that the farther away from the front end of the nozzle a single orifice resides" which does not require structure forward of the nozzle, but requires the orifices to reside away from the front end of the nozzle.



As can be seen in the figure, there is a larger acute angle between the orifice center line and the nozzle center line the farther the orifice resides from the front end of the nozzle. Thus specifically demonstrating appellant's claimed limitation.

Moving on the appellant's arguments directed toward claims 16 and 17 of a teaching of a substantially conical nozzle having a solid front most portion between a front pair of the plurality of orifices, the examiner would like to point the attention to figure 15 of Relyea, which as appellant has stated was cited by examiner in the previous office action, which does in fact demonstrate a substantially conical nozzle in element 196 which includes a plurality of orifices 200 and a solid front most portion 198 which as can be seen from figure 15 is threaded into nozzle 196 between the front orifices in orifice pattern 200. Further, as modifying Relyea with Glowienke only replaces the orifice pattern specifically, the orifices would still reside on nozzle 196 with element 198 still being threaded into it.

Finally, regarding appellant's last argument that Relyea and Glowienke are not obvious to combine because the nozzle taught by Glowienke is not made to "pierce;" first and foremost, both are used in the area of fire fighting. However, more importantly, while appellant suggests Glowienke does not pierce, figures 1 and 9 of Glowienke demonstrate the nozzle being thrust either into a burning object (such as a building) or generally through something (such as a wall). The importance behind this lay in the definition of the word pierce which can be defined by multiple definitions which include "to run into or through as a pointed weapon does," "to make a hole through," "to force or

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make a way into or through,” or “to force a way into or through something.” Figures 1 and 9 of Glowienke demonstrate just that.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/STEVEN M CERNOCH/

Examiner, Art Unit 3752

Conferees:

/Len Tran/

Supervisory Patent Examiner, Art Unit 3752

/Gregory L. Huson/

Supervisory Patent Examiner, Art Unit 3751